

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Ming Sen Shiue,

Civ. No. 12-583 (RHK/LIB)

Petitioner,

ORDER

vs.

Warden, USO Marion, et al.,

Respondents.

Before the Court is the January 25, 2013 the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, together with Petitioner's Objections thereto. After a de novo review of the Objections and the Report and Recommendation, together with all of the files, records and proceedings herein, the undersigned concludes that Judge Brisbois's thorough and well-reasoned recommended disposition is fully supported by the factual record before him and by controlling legal principles. Accordingly, **IT IS ORDERED:**

1. The Objections (Doc. No. 44) are **OVERRULED**;
2. Petitioner's "Motion in Reply to Respondent's Memorandum in Support of Response Motion" (Doc. No. 51) is **DENIED**;
3. The Report and Recommendation (Doc. No. 43) is **ADOPTED**;
4. Plaintiff's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 (Doc. No. 1) is **DENIED**;

5. Plaintiff's Grounds One through Six are **DISMISSED WITH PREJUDICE**;
6. Plaintiff's Ground Seven is **DISMISSED WITHOUT PREJUDICE**; and
7. The Court **DECLINES** to issue a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 26, 2013

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge